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*Attorneys for Defendant/Counterclaim-Plaintiff
International Business Machines Corporation*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

THE SCO GROUP, INC.,

Plaintiff/Counterclaim-Defendant,

v.

INTERNATIONAL BUSINESS MACHINES
CORPORATION,

Defendant/Counterclaim-Plaintiff.

**DECLARATION OF TODD M.
SHAUGHNESSY WITH
UNSEALED OR REDACTED
EXHIBITS**

Civil No. 2:03CV-0294 DAK

Honorable Dale A. Kimball

Magistrate Judge Brooke C. Wells

I, Todd M. Shaughnessy, declare as follows:

1. I represent IBM in the lawsuit brought by SCO against IBM, titled The SCO Group, Inc. v. International Business Machines Corporation, Civil No. 2:03CV-0294 DAK (D. Utah 2003).

2. This declaration is submitted in support of Defendant/Counterclaim-Plaintiff IBM's various motions for summary judgment. Unless stated otherwise, it is based on personal knowledge.

3. Included on the DVD, submitted herewith, are true and current copies of the following documents, which can be accessed by clicking on the appropriate link:

Exhibit Number	Description of Document
1	SCO's original Complaint, dated March 6, 2003
2	SCO's Amended Complaint, dated July 22, 2003
3	SCO's Second Amended Complaint, dated February 27, 2004
4	IBM's Second Amended Counterclaims, dated March 29, 2004
5	SCO's Answer to IBM's Second Amended Counterclaims, dated April 23, 2004
6	IBM's Answer to the Amended Complaint and Counterclaim-Plaintiff IBM's Counterclaims Against SCO, dated August 6, 2003
7	SCO's Amended Answer to IBM's Amended Counterclaims, dated March 11, 2004
8	Complaint in <u>Red Hat, Inc. v. The SCO Group, Inc.</u> , Civ. A. No. 03-772 (D. Del.), dated March 3, 2004
9	Complaint in <u>The SCO Group, Inc. v. AutoZone, Inc.</u> , Case No. CV-S-04-0237 (D. Nev.), dated March 2, 2004
10	SCO's Proposed Third Amended Complaint

Exhibit Number	Description of Document
11	IBM's First Set of Interrogatories and First Request for the Production of Documents, dated June 13, 2003
12	IBM's Second Set of Interrogatories and Second Request for the Production of Documents, dated September 16, 2003
13	IBM's Third Set of Interrogatories and Third Request for Production of Documents, dated October 29, 2003
14	IBM's Fourth Set of Interrogatories and Fourth Request for Production of Documents, dated March 29, 2004
15	IBM's Fifth Request for Production of Documents, dated May 14, 2004
16	IBM's Fifth Set of Interrogatories, dated July 30, 2004
17	IBM's Sixth Set of Interrogatories and Sixth Request for Production of Documents, dated January 11, 2005
18	IBM's Seventh Request for the Production of Documents, dated September 2, 2005
19	IBM's Seventh Set of Interrogatories, dated February 14, 2006
20	Defendant/Counterclaim-Plaintiff IBM's Notice of 30(b)(6) Deposition, dated September 2, 2005
21	Document titled "IBM Linux Update", dated September 23, 1999 and bearing Bates numbers 1710091325-37
22	Article by Stephen Shankland, titled "Itanium: A cautionary tale", from CNET News.com, dated December 8, 2005
23	Document titled "IBM-SCO Family Unix Technical Proposal", dated September 2, 1998 and bearing Bates numbers SCO1310620-37 (Under Seal)
24	Document titled "Options for Distribution and Royalty Flow-Draft 1", bearing Bates numbers 1710141628-29 (Under Seal)
25	Document titled "genus: An IBM/SCO UNIX Project Marketing Development Plan", bearing Bates numbers SCO1233395-407

Exhibit Number	Description of Document
26	Article by Brian Pereira, titled "McKinley is one to watch" from <u>Network Magazine India</u> , dated March 2002
27	Article by Paul Barker, titled "New HP-Intel pact could hit PC clones hard", from <u>Computing Canada</u> , dated July 6, 1994
28	Article by Michael Kanellos, titled "Is Merced doomed?", from CNET News.com, dated January 2, 2002
29	Article titled "Intel moves to shore up Itanium support", from itworld.com, dated February 22, 2001
30	Article titled "What's Wrong with Merced", from <u>Microprocessor Report</u> , dated August 3, 1998
31	SCO's Responses to IBM's First Set of Interrogatories and First Request for the Production of Documents, dated August 4, 2003
32	SCO's Supplemental Response to Defendant's First Set of Interrogatories, dated October 23, 2003
33	SCO's Revised Supplemental Response to IBM's First and Second Set of Interrogatories, dated January 15, 2004
34	SCO's Supplemental Response to IBM's Second Set of Interrogatories and Second Request for the Production of Documents, dated October 23, 2003
35	SCO's Response to IBM's Third Set of Interrogatories and Third Request for the Production of Documents, dated October 28, 2003
36	SCO's Response to IBM's Third Set of Interrogatories, dated April 19, 2004
37	SCO's Responses to IBM's Fourth Set of Interrogatories, dated May 28, 2004 (Under Seal)
38	SCO's Amended Responses to IBM's Fourth Set of Interrogatories, dated June 25, 2004 (Under Seal)
39	SCO's Responses to IBM's Fifth Set of Interrogatories, dated September 8, 2004

Exhibit Number	Description of Document
40	SCO's Response to IBM's Fifth Request for Production of Documents, dated June 14, 2004
41	SCO's Response to IBM's Sixth Set of Interrogatories and Request for the Production of Documents, dated March 2, 2005
42	SCO's Response to IBM's Seventh Request for the Production of Documents, dated October 11, 2005
43	SCO's Second Revised Supplemental Response to IBM's Sixth Set of Interrogatories, dated December 22, 2005 (Under Seal)
44	SCO's Response to IBM's Seventh Set of Interrogatories, dated April 7, 2006
45	SCO's Objections and Responses to Part of IBM's Second Set of Requests for Admission, dated February 28, 2006
46	SCO's Supplemental Response to Interrogatory No. 8, dated January 13, 2006
47	Letter from Edward Normand to Amy Sorenson, dated September 26, 2005
48	Web page titled "Support Services", available at http://www.sco.com/support/download.html
49	Document titled "Revenue Information for Select Customers for the Period of FY 1999-FY 2005", marked as Exhibit No. 1023 to the December 2, 2005 Deposition of Darl McBride (Under Seal)
50	Invoice for the period of 1996-1998, marked as Exhibit No. 1024 to the December 2, 2005 Deposition of Darl McBride (Under Seal)
51	Document titled "Persons or Entities Whose Relationship with SCO IBM Is Alleged to Have Interfered with, Such that SCO Was Damaged, that Are the Subject of SCO's Claims against IBM - Identified by Mr. McBride at Deposition", marked as Exhibit No. 1035 to the December 2, 2005 Deposition of Darl McBride
52	Letter from Todd M. Shaughnessy to Edward Normand, dated December 5, 2005

Exhibit Number	Description of Document
53	SCO's Interim Disclosure of Materials Allegedly Misused by IBM, dated October 28, 2005 (Under Seal)
54	SCO's Disclosure of Materials Allegedly Misused by IBM, dated December 22, 2005 (Under Seal)
55	Hon. Brooke C. Wells' Order Granting IBM's Motions to Compel Discovery and Requests for Production of Documents, dated December 12, 2003
56	Hon. Brooke C. Wells' Order Regarding SCO's Motion to Compel Discovery and IBM's Motion to Compel Discovery, dated March 3, 2004
57	Hon. Dale A. Kimball's Memorandum Decision Order, dated February 8, 2005
58	Hon. Dale A. Kimball's Order, dated July 1, 2005
59	Hon. Brooke C. Wells' Order Granting in Part IBM's Motion to Limit SCO's Claims, dated June 28, 2006
60	Letter from Edward Normand to Todd M. Shaughnessy, dated December 8, 2005
61	Exhibit 90 to the December 16, 2005 deposition of Ryan Tibbitts
62	IBM's Memorandum in Support of its First Motion to Compel Discovery, dated October 1, 2003
63	IBM's Memorandum in Support of its Second Motion to Compel Discovery, dated November 6, 2003
64	SCO's Memorandum in Opposition to IBM's Motion for Summary Judgment on IBM's Tenth Counterclaim for Declaratory Judgment of Non-Infringement, dated July 8, 2004
65	IBM's Memorandum in Support of Its Cross-Motion for Partial Summary Judgment on Its Claim for Declaratory Judgment of Non-Infringement, dated May 18, 2004
66	IBM's Memorandum in Support of its Motion to Limit SCO's Claims Relating to Allegedly Misused Materials, dated February 13, 2006

Exhibit Number	Description of Document
67	IBM's Memorandum in Support of its Motion to Confine SCO's Claims to, and Strike Allegations in Excess of, the Final Disclosures, dated June 8, 2006
68	SCO's Memorandum in Opposition to IBM's Motion to Limit SCO's Claims Relating to Allegedly Misused Material, dated March 7, 2006 (Under Seal)
69	SCO's Memorandum in Opposition to IBM's Motion for Partial Summary Judgment on Its Counterclaim for Copyright Infringement (Eighth Counterclaim), dated November 30, 2004
70	Declaration of Todd M. Shaughnessy, dated September 22, 2006
71	Email from Sean Wilson to Reg Broughton regarding "Oracle 9i cert", bearing Bates number SCO1493122 (Under Seal)
72	Email from Sean Wilson to execgroup@sco.com regarding "Oracle Discussion", bearing Bates number SCO1601652 (Under Seal)
73	U.S. Copyright Registration Statement No. TX 5-757-696, registering IBM's copyright to its work titled "Enterprise Volume Management System", dated August 15, 2003
74	U.S. Copyright Registration Statement No. TX 5-757-697, registering IBM's copyright to its work titled "Enterprise Class Event Logging", dated August 15, 2003
75	U.S. Copyright Registration Statement No. TX 5-757-698, registering IBM's copyright to its work titled "Dynamic Probes", dated August 15, 2003
76	U.S. Copyright Registration Statement No. TX 5-757-698, registering IBM's copyright to its work titled "Dynamic Probes", dated August 15, 2003
77	U.S. Copyright Registration Statement No. TX 5-757-700, registering IBM's copyright to its work titled "Omni Print Driver", dated August 15, 2003
78	U.S. Copyright Registration Statement No. TX 5-757-701, registering IBM's copyright to its work titled "Journaled File System", dated August 15, 2003
79	U.S. Copyright Registration Statement No. TX 5-757-702, registering IBM's copyright to its work titled "Next Generation Posix Threading", dated August 15, 2003

Exhibit Number	Description of Document
80	U.S. Copyright Registration Statement No. TX 5-856-466, registering IBM's copyright to its work titled "Linux Kernel Support for JFS", dated February 2, 2004
81	U.S. Copyright Registration Statement No. TX 5-856-467, registering IBM's copyright to its work titled "Linux Kernel S390 Support", dated February 2, 2004
82	U.S. Copyright Registration Statement No. TX 5-856-468, registering IBM's copyright to its work titled "Linux Kernel Support for Service Processor", dated February 2, 2004
83	U.S. Copyright Registration Statement No. TX 5-856-469, registering IBM's copyright to its work titled "Linux Kernel Support for Memory Expansion Technology", dated February 2, 2004
84	U.S. Copyright Registration Statement No. TX 5-856-470, registering IBM's copyright to its work titled "Linux Kernel Support for IBM eServer iService Device", dated February 2, 2004
85	U.S. Copyright Registration Statement No. TX 5-856-471, registering IBM's copyright to its work titled "Linux Kernel Support for PCI Hotplug", dated February 2, 2004
86	U.S. Copyright Registration Statement No. TX 5-856-472, registering IBM's copyright to its work titled "Linux Kernel Support for Series Hypervisor Terminal", dated February 2, 2004
87	U.S. Copyright Registration Statement No. TX 5-856-473, registering IBM's copyright to its work titled "Linux Kernel PPC64 Support", dated February 2, 2004
88	U.S. Copyright Registration Statement No. TX 5-856-474, registering IBM's copyright to its work titled "Linux Kernel Support for Mwave Modem", dated February 2, 2004
89	IBM's copyrighted work titled "Enterprise Volume Management System"
90	Excerpts from IBM's copyrighted work titled "Enterprise Class Event Logging"
91	Excerpts from IBM's copyrighted work titled "Dynamic Probes"

Exhibit Number	Description of Document
92	IBM's copyrighted work titled, "Linux Support Power PC64"
93	Excerpts from IBM's copyrighted work titled "Omni Print Driver"
94	IBM's copyrighted work titled "Journaled File System"
95	IBM's copyrighted work titled "Next Generation Posix Threading"
96	IBM's copyrighted work titled "Linux Kernel Support for JFS"
97	IBM's copyrighted work titled "Linux Kernel S390 Support"
98	IBM's copyrighted work titled "Linux Kernel Support for Service Processor"
99	IBM's copyrighted work titled "Linux Kernel Support for Memory Expansion Technology"
100	IBM's copyrighted work titled "Linux Kernel Support for IBM eServer iService Device"
101	IBM's copyrighted work titled "Linux Kernel Support for PCI Hotplug"
102	IBM's copyrighted work titled "Linux Kernel Support for pSeries Hypervisor Terminal"
103	IBM's copyrighted work titled "Linux Kernel PPC64 Support"
104	IBM's copyrighted work titled "Linux Kernel Support for Mwave Modem"
105	Form 10-K/A, filed by Caldera Systems, Inc. for the fiscal year ended October 31, 2000
106	Form 10-K, filed by Caldera International, Inc. for the fiscal year ended October 31, 2002
107	Form 10-K, filed by Caldera Systems, Inc. for the fiscal year ended October 31, 2000
108	Form 10-K, filed by Novell, Inc. for the fiscal year ended October 30, 1993
109	Form 10-K, filed by The Santa Cruz Operation, Inc. for the fiscal year ended September 30, 1996

Exhibit Number	Description of Document
110	Form 424b, filed by Caldera Systems, Inc., dated March 20, 2000
111	Form 10-K, filed by Caldera International, Inc. for the fiscal year ended October 31, 2001
112	Form 8-K, filed by Caldera International, Inc., dated May 14, 2003
113	Form 10-K, filed by SCO for the fiscal year ended October 31, 2003
114	Form 10-K/A (Amendment No. 1) filed by The Santa Cruz Operation, Inc., for the fiscal year ended September 30, 2000
115	Form 10-K filed by The Santa Cruz Operation, Inc., for fiscal year ended September 30, 1999
116	Email from Sean Wilson to deanr@sco.com and Troy McNamara regarding "Oracle Future for SCO UNIXes", dated June 19, 2003 and bearing Bates numbers SCO1493226-32 (Under Seal)
117	Email with attachment from Sean Wilson to Gerrald Smith regarding "ISV Certifications", dated August 13, 2004, and bearing Bates numbers SCO1493383-427 (Under Seal)
118	Transcript of the October 15, 2003 Deposition of Rick Becker (Under Seal)
119	Software Agreement (Number SOFT-000321) between AT&T Technologies and Sequent Computer Systems, Inc. ("Sequent"), dated April 18, 1985
120	Sublicensing Agreement (Number SUB-00015A) between AT&T Technologies and IBM, dated February 1, 1985
121	Sublicensing Agreement (Number SUB-000321A) between AT&T Technologies and Sequent, dated January 28, 1986
122	Letter agreement Re: Software Agreement Number SOFT-00015, Sublicensing Agreement Number SUB-0015A and Substitution Agreement Number XFER-00015B, between AT&T Technologies and IBM, dated February 1, 1985
123	Asset Purchase Agreement between Novell, Inc. and The Santa Cruz Operation, Inc., dated September 19, 1995

Exhibit Number	Description of Document
124	Amendment No. X, entered into by IBM, Novell, Inc. and The Santa Cruz Operation, Inc., dated October 17, 1996
125	Supplement No. 1 to the Software Agreement between AT&T Technologies and IBM
126	Supplement No. 2 to the Software Agreement between AT&T Technologies and Sequent, dated January 28, 1986
127	Software Agreement (Number SOFT-000302) between AT&T Information Systems, Inc. and The Santa Cruz Operation, Inc., dated May 6, 1987
128	GNU General Public License
129	GNU Lesser General Public License
130	April 1985 edition of AT&T <u>\$ echo</u> newsletter
131	August 1985 edition of AT&T <u>\$ echo</u> newsletter
132	Letter from Brent O. Hatch to Todd M. Shaughnessy, dated April 19, 2004 (Redacted)
133	Letter from Todd M. Shaughnessy to Brent O. Hatch, dated January 30, 2004
134	Letter from Mark J. Heise to David R. Marriott, dated February 4, 2004
135	Letter from Joseph A. La Sala, Jr. to Ryan E. Tibbitts, dated October 7, 2003
136	Letter from Joseph A. La Sala, Jr. to Ryan E. Tibbitts and Ronald A. Lauderdale, dated October 10, 2003
137	Letter from Joseph A. La Sala, Jr. to Ryan E. Tibbitts, dated February 6, 2004
138	Letter from Joseph A. La Sala, Jr. to Ryan E. Tibbitts and Ronald A. Lauderdale, dated February 11, 2004
139	Letter from Jack L. Messman to Darl McBride, dated June 9, 2003
140	Letter from Jack L. Messman to Darl McBride and Ronald A. Lauderdale, dated June 12, 2003

Exhibit Number	Description of Document
141	Letter from Darl McBride to Lucio A. Noto, dated May 12, 2003
142	Form letter from Ryan E. Tibbitts to "Linux User", dated December 19, 2003
143	Letter Agreement between Novell, Inc. and IBM, dated October 16, 1996
144	Letter from Mark J. Heise to David R. Marriott, dated February 4, 2004
145	Letter from Brent O. Hatch to Hon. Dale A. Kimball, dated June 10, 2004
146	Letter from Jack B. Blumenfeld to Hon. Sue L. Robinson, dated June 17, 2004
147	Letter from Darl McBride to Members of Congress, dated January 8, 2004
148	Letter from Darl McBride to Lucio A. Noto, dated May 12, 2003
149	Declaration and Expert Report of Timothy F. Bresnahan, dated July 17, 2006 (Under Seal)
150	Letter from Gregory Pettit to Richard Fuld, dated January 16, 2004 and bearing Bates number SCO1448018
151	Letter from Todd M. Shaughnessy to Edward Normand, dated December 5, 2005
152	Letter from Bill Broderick to Brian Mosley, dated March 8, 2005
153	Letter from Darl McBride to Sam Palmisano, dated March 6, 2003
154	Letter from Darl McBride to the Legal Department of Sequent, dated May 29, 2003
155	Letter from Chris Sontag to the Legal Department of Sequent, dated August 11, 2003
156	Letter from Ronald A. Lauderdale to Darl McBride, dated May 5, 2003
157	Letter from Darl McBride to Sam Palmisano, dated June 12, 2003
158	Letter from Ronald A. Lauderdale to Darl McBride, dated June 13, 2003
159	Letter from Ronald A. Lauderdale to Darl McBride, dated August 14, 2003

Exhibit Number	Description of Document
160	Declaration of Allison Amadia, dated June 9, 2003
161	Declaration of Mike Anderson, dated September 13, 2006
162	Declaration of Barry Arndt, dated September 14, 2006
163	Declaration of A. Allison Amadia, dated September 23, 2006
164	Transcript of the January 24, 2006 Deposition of Karen L. Smith (Under Seal)
165	Declaration of Lawrence R. Goldfarb, dated September 13, 2006 (Redacted)
166	Declaration of Douglas B. Beattie, dated September 20, 2006
167	Declaration of Kathleen Bennett, including a copy of the files downloaded from SCO's Internet website on January 9, 2004, dated August 16, 2004
168	Declaration of Steve Best, dated September 10, 2006
169	Declaration of Tim Bird, dated September 18, 2006
170	Web page titled "The SCO-HP Relationship", available at www.sco.com/hp/relationship.html
171	Expert Report and Declaration of Christine A. Botosan, dated May 19, 2006 (Under Seal)
172	Declaration of Lawrence A. Bouffard, dated November 10, 2003
173	Declaration of Wayne Boyer, dated September 11, 2006
174	Declaration of Robert F. Bucco, dated August 23, 2003
175	Expert Report and Declaration of Thomas Cargill, dated May 19, 2006 (Under Seal)
176	Declaration of Marc Christensen, dated September 19, 2006
177	Declaration of Samuel Greenblatt, dated February 7, 2005
178	Declaration of Thomas L. Cronan III, dated July 29, 2004

Exhibit Number	Description of Document
179	Declaration of Randall Davis, dated August 13, 2004
180	Declaration of Randall Davis, dated August 23, 2004
181	Expert Report and Declaration of Randall Davis, dated July 17, 2006 (Under Seal)
182	Declaration of Michael J. DeFazio, dated October 3, 2003
183	Declaration of Michael J. DeFazio, dated September 21, 2006
184	Declaration of Ulrich Drepper, dated September 19, 2006
185	Declaration of Jeanette Tilley, dated July 21, 2004
186	Expert Report and Declaration of Jonathan Eunice, dated July 17, 2006 (Under Seal)
187	SCO's Responses and Objections to IBM's First Set of Requests for Admission, dated January 25, 2006
188	Declaration of Ruth Forester, dated September 19, 2006
189	Declaration of David W. Frasure, dated October 7, 2003
190	Declaration of David W. Frasure, dated March 28, 2004
191	Declaration of David Frasure, dated September 21, 2006
192	Web page titled "SCO Forum 2006", available at http://www.sco.com/2006forum/sponsors.html
193	Declaration of Jim Freeman, dated September 21, 2006
194	Declaration of Daniel Frye, dated May 18, 2004
195	Declaration of Daniel Frye, dated September 26, 2005
196	Declaration of John George, dated September 12, 2006
197	Expert Report of Gary Pisano, dated May 19, 2006 (Under Seal)

Exhibit Number	Description of Document
198	Declaration of Charlton Greene, dated October 5, 2003
199	Memorandum in Support of Novell, Inc.'s Motion to Dismiss in <u>The SCO Group, Inc. v. Novell, Inc.</u> , Case No. 2:04CV00139 (D. Utah), dated February 9, 2004
200	Declaration of Geoffrey D. Green, dated June 17, 2004
201	Declaration of David Groethe, dated September 22, 2006
202	Declaration of Sandeep Gupta, dated July 9, 2004
203	Email from Kim Jenkins to bbench@sco.com and molson@sco.com, regarding "SCO-Battery 1.3ppt - Better Version", dated October 11, 2002 and bearing Bates number SCO1592478 (Under Seal)
204	Declaration of Luann Guleserian, dated June 27, 2005
205	Declaration of Karen Smith, dated September 21, 2006
206	Declaration of Venkata Jagana, dated September 21, 2006
207	Declaration of Dion L. Johnson II, dated September 15, 2006
208	Expert Report and Declaration of Frans Kaashoek, dated July 14, 2006 (Under Seal)
209	Letter from Curtis J. Drake to Edward J. Normand, dated November 30, 1995
210	Declaration of Vivek Kashyap, dated September 19, 2006
211	Declaration of Jim Keniston, dated September 12, 2006
212	Declaration of Brian W. Kernighan, dated August 20, 2004 (Redacted)
213	Expert Report and Declaration of Brian W. Kernighan, dated May 18, 2006 (Under Seal)
214	Expert Report and Declaration of Brian W. Kernighan and Randall Davis, dated July 17, 2006 (Under Seal)

Exhibit Number	Description of Document
215	Reply Expert Report and Declaration of Brian W. Kernighan and Randall Davis, dated August 28, 2006 (Under Seal)
216	Declaration of Larry Kessler, dated September 13, 2006
217	Declaration of Ira Kistenberg, dated June 24, 2004
218	Declaration of David Kleikamp, dated September 11, 2006
219	Software License Agreement (Agreement # 125115) between Sun Microsystems, Inc. and The SCO Group, dated February 25, 2003 and bearing Bates numbers SCO1607394-405 (Under Seal)
220	Letter from Ronald A. Lauderdale to Kimberlee A. Madsen, dated June 19, 2001 and bearing Bates number 1710073906 (Under Seal)
221	Declaration of Ransom Love, dated September 15, 2006 (Redacted)
222	Declaration of Shirley Ma, dated September 14, 2006
223	Declaration of Mark Magee, dated August 22, 2003
224	Declaration of Robert A. Marsh, dated April 5, 2006
225	Declaration of Michael Mason, dated September 12, 2006
226	Declaration of David Mazieres, dated September 23, 2006
227	Declaration of David McCrabb, dated September 18, 2006
228	Declaration of Richard A. McDonough III, dated April 30, 2004
229	Transcript of the January 26, 2006 Deposition of Bill Sandve (Under Seal)
230	Declaration of M. Douglas McIlroy, dated September 19, 2006
231	Declaration of Paul McKenney, dated September 11, 2006
232	Declaration of Marcus Meissner, dated September 19, 2006
233	Declaration of Jeffrey W. Mobley, dated July 26, 2004

Exhibit Number	Description of Document
234	Expert Report and Declaration of Andrew K. Morton, dated July 14, 2006 (Under Seal)
235	Declaration of Haren Babu Myneni, dated September 14, 2006
236	Declaration of Scott Nelson, dated August 4, 2004
237	Declaration of Hien Nguyen, dated September 11, 2006
238	Declaration of K. Y. Srinivasan, dated September 22, 2006
239	Declaration of Greg Jones, dated September 21, 2006
240	Declaration of Joseph A. La Sala, Jr., dated September 22, 2006
241	Declaration of Monica Kumar, dated March 18, 2005
242	Declaration of Gregory Page, dated September 20, 2006
243	Declaration of Mark Peloquin, dated September 19, 2006
244	Letter from Kimberlee A. Madsen to Ronald A. Lauderdale, dated June 6, 2001 and bearing Bates numbers 171037001-03 (Under Seal)
245	Joint Development Agreement (Agreement Number 4998CR0349) between SCO and IBM, dated October 26, 1998 and bearing Bates numbers 1710141456-509
246	Declaration of Hal Porter, dated September 12, 2006
247	SCO press release titled "SCO Announces Immediate Termination of IBM's Right to Use and Distribute AIX Software and Files for Permanent Injunction", dated June 16, 2003
248	Declaration of Ben Rafanello, dated September 12, 2006
249	Declaration of Edward J. Riddle, dated December 19, 2003
250	Declaration of Edward J. Riddle, dated September 21, 2006
251	Declaration of Calvin Gaisford, dated September 22, 2006

Exhibit Number	Description of Document
252	Declaration of David P. Rodgers, dated November 5, 2003
253	Declaration of Thomas Roehr, dated August 30, 2003
254	Declaration of Steven M. Sabbath, dated December 22, 2003
255	Declaration of Peter H. Salus, dated September 15, 2006
256	Declaration of William Sandve, Jr., dated June 5, 2003
257	Declaration of William Sandve, Jr., dated September 22, 2006 (Under Seal)
258	Declaration of Dipankar Sarma, dated September 13, 2006
259	Expert Report of Jeffery Leitzinger, dated May 19, 2006 (Under Seal)
260	Transcript of the January 13, 2005 Deposition of Michael DeFazio (Under Seal)
261	Transcript of the January 24, 2005 Deposition of Martin Pfeffer (Under Seal)
262	Whitepaper submitted by Caldera International, titled "A Technical Introduction to the Caldera Network Desktop", bearing Bates numbers SCO1269181-191
263	Declaration of Nivedita Singhvi, dated September 14, 2006
264	Declaration of Chris Sontag, dated April 19, 2004
265	Article by Mike Linksvayer, titled "The Choice of a GNU Generation An Interview With Linus Torvalds" from <u>Meta Magazine</u> , dated November 1993
266	Declaration of Roger Swanson, dated July 28, 2004
267	Declaration of John H. Terpstra, dated March 8, 2006
268	Transcript of the December 2, 2005 Deposition of Paul E. McKenney (Under Seal)
269	Declaration of Joan Thomas, dated June 23, 2004
270	Declaration of Joan Thomas, dated August 4, 2004

Exhibit Number	Description of Document
271	Declaration of Jeanette L. Tilley, dated September 21, 2006
272	Declaration of Linus Torvalds, dated September 21, 2006
273	U.S. Patent No. 6,460,070
274	Declaration of Jay Vosburgh, dated September 18, 2006
275	Declaration of Stephen D. Vuksanovich, dated August 9, 2004
276	Declaration of Stephen D. Vuksanovich, dated September 21, 2006
277	U.S. Patent No. 6,336,139
278	Declaration of Bart Whiteley, dated September 19, 2006
279	Declaration of Max B. Wicker, dated October 31, 2003
280	Declaration of Max B. Wicker, dated September 21, 2006
281	Declaration of Otis Wilson, dated December 11, 2003
282	Declaration of Otis Wilson, dated April 26, 2004
283	Expert Report and Declaration of Robert Willig, dated July 17, 2006 (Under Seal)
284	Declaration of Erik W. Hughes, dated November 30, 2004
285	Expert Report of Marc J. Rochkind, dated May 19, 2006 (Under Seal)
286	Expert Report of Evan Ivie, dated May 19, 2006 (Under Seal)
287	Rebuttal Report of Marc Rochkind, dated August 26, 2006 (Under Seal)
288	Expert Rebuttal Report of Evan Ivie, dated August 28, 2006 (Under Seal)
289	Expert Report of Christine A. Botosan, dated May 19, 2006 (Under Seal)
290	Declaration and Expert Report of Loren M. Hitt, dated July 17, 2006 (Under Seal)

Exhibit Number	Description of Document
291	Declaration of Ron Clark, dated September 23, 2006 (Under Seal)
292	Declaration of Martin Bligh, dated September 12, 2006
293	Declaration of Patricia Gaughen, dated September 18, 2006
294	U.S. Patent No. 5,872,957
295	Transcript of the June 10, 2004 Deposition of David P. Rodgers (Under Seal)
296	Transcript of the May 11, 2004 Deposition of Erik W. Hughes (Under Seal)
297	Transcript of the May 11, 2004 Deposition of William M. Broderick (Under Seal)
298	Transcript of the May 11, 2004 Deposition of Michael Olson (Under Seal)
299	Transcript of the May 11, 2004 Deposition of Andrew W. Nagle (Under Seal)
300	Transcript of the May 12, 2004 Deposition of Christopher Sontag (Under Seal)
301	Transcript of the June 10, 2004 Deposition of Otis L. Wilson
302	Transcript of the June 8, 2004 Deposition of David Frasure (Under Seal)
303	Transcript of the October 6, 2004 Deposition of Lawrence Gasparro (Under Seal)
304	Transcript of the October 7, 2004 Deposition of Gregory A. Pettit (Under Seal)
305	Transcript of the October 21, 2004 Deposition of Gregory S. Anderson (Under Seal)
306	Transcript of the October 26, 2006 Deposition of Robert Bench (Under Seal)
307	Transcript of the November 2, 2004 Deposition of John H. Terpstra (Under Seal)
308	Transcript of the November 5, 2004 Deposition of Philip E. Langer (Under Seal)

Exhibit Number	Description of Document
309	Transcript of the November 9, 2004 Deposition of Michael Eugene Anderer (Under Seal)
310	Transcript of the January 17, 1996 Deposition of Roger Swanson (Under Seal)
311	Transcript of the November 1, 2005 Deposition of Erik W. Hughes (Under Seal)
312	Transcript of the November 10, 2005 Deposition of Jeff Hunsaker (Under Seal)
313	Transcript of the November 16, 2005 Deposition of Chris Sontag (Under Seal)
314	Transcript of the November 17, 2005 Deposition of Craig Bushman (Under Seal)
315	Transcript of the November 30, 2005 Deposition of William Broderick (Under Seal)
316	Transcript of the November 30, 2005 Deposition of Reginald Broughton (Under Seal)
317	Transcript of the December 2, 2005 Deposition of Darl McBride (Under Seal)
318	Transcript of the December 5, 2005 Deposition of John Maciaszek (Under Seal)
319	Transcript of the December 16, 2005 Deposition of Ryan E. Tibbitts (Under Seal)
320	Transcript of the December 21, 2005 Deposition of Christopher Sontag (Under Seal)
321	Transcript of the February 27, 2006 Deposition of Jay F. Petersen (Under Seal)
322	Transcript of the February 28, 2006 Deposition of Jeffrey Hunsaker (Under Seal)
323	Transcript of the March 1, 2006 Deposition of Blake Stowell (Under Seal)
324	Transcript of the March 2, 2006 Deposition of Erik Hughes (Under Seal)
325	Transcript of the March 3, 2006 Deposition of Michael Paul Olson (Under Seal)

Exhibit Number	Description of Document
326	Transcript of the March 7, 2006 Deposition of Michael Sean Wilson (Under Seal)
327	Transcript of the March 9, 2006 Deposition of Ronald J. Record (Under Seal)
328	Transcript of the March 10, 2006 Deposition of William M. Broderick (Under Seal)
329	Transcript of December 16, 2005 Deposition of William Eugene Baker (Under Seal)
330	Transcript of the March 15, 2006 Deposition of Darl McBride (Under Seal)
331	Transcript of the March 16, 2006 Deposition of Mike Davidson (Under Seal)
332	Transcript of the March 16, 2006 Deposition of Christopher Sontag (Under Seal)
333	Transcript of the March 17, 2006 Deposition of Sandeep Gupta (Under Seal)
334	Transcript of the March 22, 2006 Deposition of Opinder S. Bawa (Under Seal)
335	Transcript of the March 22, 2006 Deposition of Michael Olson (Under Seal)
336	Transcript of the March 23, 2006 Deposition of William Broderick (Under Seal)
337	Transcript of the March 29, 2006 Deposition of Jeff Hunsaker (Under Seal)
338	Transcript of the March 29, 2006 Deposition of Andrew W. Nagle (Under Seal)
339	Transcript of the March 30, 2006 Deposition of Bert Young (Under Seal)
340	Transcript of the March 31, 2006 Deposition of Erik Hughes (Under Seal)
341	Transcript of the April 4, 2006 Deposition of Timothy Paul Negris (Under Seal)
342	Transcript of the April 6, 2006 Deposition of Sandeep Gupta (Under Seal)
343	Transcript of the April 19, 2006 Deposition of Christopher Sontag (Under Seal)
344	Transcript of the May 18, 2006 Deposition of Dave F. Prosser (Under Seal)

Exhibit Number	Description of Document
345	Transcript of the June 30, 2006 Deposition of Ryan Tibbits (Under Seal)
346	Transcript of the August 25, 2006 Deposition of Otis Wilson (Under Seal)
347	SCO press release titled "Caldera Systems to Acquire SCO Server Software and Professional Services Divisions, Providing World's Largest Linux/UNIX Channel", dated August 2, 2000
348	SCO press release titled "Caldera, Conectiva, SuSE, Turbolinux Partner to Create UnitedLinux, and Produce a Uniform Version of Linux for Business", dated May 30, 2002
349	SCO press release titled "SCO Unveils SCO Linux 4.0, Powered by UnitedLinux", dated November 19, 2002
350	SCO product announcement for OpenLinux Server Release 3.1.1, dated January 24, 2002 and bearing Bates numbers SCO1324397-404
351	SCO product announcement for OpenLinux Workstation Release 3.1.1, dated January 24, 2002 and bearing Bates numbers SCO1324405-12
352	SCO product announcement for SCO Linux Server 4.0, Powered by UnitedLinux, dated November 19, 2002 and bearing Bates numbers SCO1270429-36
353	SCO product announcement for SCO Linux Server 4.0 for the Itanium Processor Family, dated April 4, 2003 and bearing Bates numbers SCO1269792-97
354	U.S. Patent No. 6,263,359
355	SCO press release titled "The SCO Group Name Change Approved by Shareholders", dated May 20, 2003
356	SCO press release titled "SCO Suspends Distribution of Linux Pending Intellectual Property Clarification; Announces Greater Focus on UNIX and SCOx Strategy", dated May 14, 2003
357	SCO press release titled "SCO Registers UNIX Copyrights and Offers UNIX License", dated July 21, 2003

Exhibit Number	Description of Document
358	SCO press release titled "Statement Regarding Red Hat Lawsuit and Letters to Red Hat", dated August 4, 2003
359	SCO press release titled "The SCO Group's Open Letter to the Open Source Community", dated September 9, 2003
360	Article by Mike Angelo, titled "SCO's Chris Sontag Discusses the Details" from <u>MozillaQuest</u> , dated April 28, 2003
361	Article by Barbara Darrow, titled "CRN Interview: SCO's Darl McBride and Chris Sontag", from <u>CRN</u> , dated November 18, 2003
362	SCO press release titled "SCO Announces Intellectual Property License for Linux", dated August 5, 2003
363	SCO press release titled "SCO Announces New Initiatives to Enforce Intellectual Property Rights", dated December 22, 2003
364	Web page titled "Linux Kernel", available at http://www.thescogroup.com/developers/community/contrib/linux.html
365	Web page titled "SCO Community Contributions", available at http://www.thescogroup.com/developers/community/contrib
366	Web page titled "SCOSource Licensing, available at http://www.sco.com/scosource
367	Article by Lisa M. Bowman, titled "SCO Puts Disputed Code in the Spotlight", from <u>CNET News.com</u> , dated August 18, 2003
368	Article by Antone Gonsalves, titled "SCO to Release Disputed Code this Week", from <u>InternetWeek</u> , dated June 2, 2003
369	Article by Lisa M. Bowman, titled "Linux Community Scoffs at SCO's Evidence", from <u>The Globe and Mail</u> , dated August 21, 2003
370	Article by Sam Williams, titled "SCO, Open Source and the World", from <u>Salon.com</u> , dated December 22, 2003
371	Article by Jed Boal, titled "Utah Software Company Suing IBM", from <u>KSL.com</u> , dated November 12, 2003

Exhibit Number	Description of Document
372	Article by Maureen O’Gara, titled “SCO Files for AIX Injunction Against IBM”, from LinuxWorld.com, dated June 16, 2003
373	Article by Roger Parloff, titled “Gunning for Linux”, from <u>Fortune</u> , dated May 17, 2004
374	Article by Maureen O’Gara, titled “SCO’s Lawyer Speaks, Says Nothing”, from LinuxWorld.com, dated March 21, 2003
375	Article by Holger Dambeck, titled “Linux Hunter SCO Puts Everything on the Line”, from <u>Spiegel Online</u> , dated April 13, 2004
376	Document titled “The Single UNIX Specification History & Timeline”, available at http://www.unix.org/Posters/download/unix_posterA3.pdf
377	Excerpts of timeline of Unix development, available at http://www.levenez.com/unix/unix_letter.pdf (linked from http://www.caldera.com/scosource/)
378	Article by Robert McMillan, titled “SCO shows Linux code to analysts”, from Computerworld.com, dated June 10, 2003
379	Article by James Maguire, titled “SCO Heats Up Linux Battle with IBM”, from NewsFactor Network, dated May 2, 2003
380	Article by James Maguire, titled “SCO Warning Fuels Growing Linux Controversy”, from CRN NewFactor Network, dated May 16, 2003
381	Article by Graeme Wearden, titled “SCO may raise ‘Linux’ license fees”, from <u>CNET News.com</u> , dated August 10, 2004
382	Web page titled “The Single UNIX Specification, available at http://www.unix.org/what_is_unix/single_unix_specification.html
383	Article by Lisa Bowman, titled “Getting a glimpse at SCO’s evidence”, from CNETNews.com, dated, August 20, 2003
384	Web page titled, “Before Multics there was chaos, and afterwards, too”, available at http://www.bell-labs.com/history/unix/chaos.html

Exhibit Number	Description of Document
385	Article by Dennis M. Ritchie, titled "The Evolution of the Unix Time-sharing System", dated September 1979, available at http://cm.bell-labs.com/cm/cs/who/dmr/hist.html
386	Web page titled "From Multics to something else", available at http://www.bell-labs.com/history/unix/somethingelse.html
387	Web page titled "The UNIX system begins to take shape", available at http://bell-labs.com/history/unix/takeshape.html
388	Web page titled "It looked like an operating system, almost", available at http://www.bell-labs.com/history/unix/almost.html
389	Web page titled, "Sharing UNIX with the rest of the world", available at http://www.bell-labs.com/history/unix/sharing.html
390	Web page titled "Connecting streams like a garden hose", available at http://www.bell-labs.com/history/unix/streams.html
391	Web page titled "Unix", available at http://en.wikipedia.org/wiki/Unix
392	Article by Matthew Aslet, titled "GPL in SCO's Legal Sights", from <u>Computerwire</u> , dated August 20, 2003
393	Web page titled "FreeBSD", available at http://www.freebsd.org/releases/
394	Article by John G. Spooner, titled "Intel set to rattle server market with Itanium", from CNET News.com, dated January 2, 2002
395	Document titled "Caldera Intellectual Property Title and Ownership", bearing Bates number SCO1178124
396	Document titled "Technical Overview of SCO Linux Server 4.0, Powered by UnitedLinux", Bates numbered SCO1307695-714 (Under Seal)
397	Selection of SCO invoices for Linux products sold after March 7, 2003, as produced by SCO to IBM, taken from the following Bates number ranges: SCO1187631-8044, SCO1190720-89, SCO1211966, SCO121233-34, SCO1212544 (Under Seal)

Exhibit Number	Description of Document
398	Document titled, "SCO Linux Educational Materials: Learning Unit 001", bearing Bates numbers SCO1355589-653 (Under Seal)
399	Email from Reg Broughton to Darl McBride, regarding "Patents and IP Investigation", dated August 13, 2003 and bearing Bates numbers SCO1272238-39 (Under Seal)
400	U.S. Patent No. 6,549,932
401	Document titled "The SCO Group, Inc. Intellectual Property Compliance License for SCO UNIX [<i>sic</i>] Rights", bearing Bates numbers SCO1304158-65 (Under Seal)
402	Document titled "Purchase Order", bearing Bates number SCO1448148 (Under Seal)
403	Document titled "The SCO Group, Inc. Intellectual Property Compliance License for Linux", dated January 16, 2004 and bearing Bates numbers SCO1448558-65 (Under Seal)
404	Document titled "The SCO Group, Inc. Intellectual Property License", dated March 16, 2004 and bearing Bates numbers SCO1507766-75 (Under Seal)
405	Copy of files from SCO Linux Server 4.0, as produced to IBM through discovery in this case.
406	Copy of files from Open Linux 3.1.1 Asia, as produced to IBM through discovery in this case.
407	UnitedLinux press release titled "UnitedLinux Releases Version 1.0", dated November 19, 2002
408	UnitedLinux press release titled "UnitedLinux Signs IBM and AMD as First Technology Partners", dated January 14, 2003
409	SCO's Memorandum in Support of Motion to Dismiss or Stay Count Ten of Plaintiff IBM's Second Amended Counterclaims Against SCO, dated April 23, 2004
410	SCO's Notice of Compliance with Court Order of December 12, 2003, dated January 12, 2004

Exhibit Number	Description of Document
411	IBM's Report on SCO's Compliance with the Court's December 12, 2003 Order, dated January 15, 2005
412	Transcript of October 31, 2003 Hearing before Hon. Brooke C. Wells
413	Transcript of November 21, 2003 Hearing before Hon. Brooke C. Wells
414	Transcript of December 5, 2003 Hearing before Hon. Brooke C. Wells
415	Transcript of February 6, 2004 Hearing before Hon. Brooke C. Wells
416	Transcript of September 15, 2004 Hearing before Hon. Dale A. Kimball
417	Transcript of April 21, 2005 Hearing before Hon. Dale A. Kimball
418	Transcript of October 7, 2005 Hearing before Hon. Dale A. Kimball
419	Transcript of December 13, 2005 Hearing before Hon. Dale A. Kimball
420	Transcript of December 20, 2005 Hearing before Hon. Brooke C. Wells
421	Transcript of February 24, 2006 Hearing before Hon. Dale A. Kimball
422	Transcript of June 8, 2004 Hearing before Hon. Dale A. Kimball
423	Transcript of July 21, 2003 Conference Call, titled "The SCO Group Conference Call to Provide Updates on IBM lawsuit, UNIX Ownership and Copyrights"
424	Transcript of August 5, 2003 Conference Call, titled "The SCO Group Conference Call to Comment and Provide Q&A on Recent Red Hat Actions"
425	Transcript of August 14, 2003 Conference Call, titled "Q3 2003 The SCO Group Earnings Conference Call"
426	Transcript of October 17, 2003 Conference Call, titled "SCO to Comment and Provide AT&T on the Oct. 16th Investment Announcement"
427	Transcript of November 18, 2003 Conference Call, titled "SCO Expands Scope of its Agreement with Boies, Schiller & Flexner LLP And Provides 4th Quarter Financial Guidance"

Exhibit Number	Description of Document
428	Transcript of December 22, 2003 Conference Call, titled "Q4 2003 The SCO Group Earnings Conference Call"
429	Transcript of March 3, 2004 Conference Call, titled "Q1 2004 The SCO Group Earnings Conference Call"
430	Transcript of June 10, 2004 Conference Call, titled "Q2 204 The SCO Group Earnings Conference Call"
431	Transcript of June 15, 2004 Conference Call, titled "SCO to Announce Broad Array of Unix Products, Channel Support and Training Programs"
432	Transcript of August 31, 2004 Conference Call, titled "Q3 2004 The SCO Group Earnings Conference Call"
433	Transcript of December 21, 2004 Conference Call, titled "Q4 2004 The SCO Group Earnings Conference Call"
434	Transcript of April 13, 2005 Conference Call, titled "Q1 2005 The SCO Group Earnings Conference Call"
435	Transcript of June 1, 2005 Conference Call, titled "Q2 2005 The SCO Group Earnings Conference Call"
436	Transcript of September 7, 2005 Conference Call, titled "Q3 2005 The SCO Group Earnings Conference Call"
437	Letter Agreement concerning the X/Open Fast Track Process for the Common APIs for UNIX-based Operating Systems ("Spec 1170"), by and among Hewlett-Packard Company, IBM, Novell, Inc., Open Software Foundation, Sun Microsystems, Inc. and X/Open Company Limited, dated March 23, 1994
438	Document titled "Tool Interface Standard (TIS): Portable Formats Specification, Version 1.1", dated October 1993
439	Document titled "Tool Interface Standard (TIS): The Executable and Linking Format (ELF) Specification, Version 1.2", dated May 1995 and bearing Bates numbers 1910846082-187
440	Article by LJ Staff, titled "Caldera and Corsair", from <u>Linux Journal</u> , dated June 1, 1995

Exhibit Number	Description of Document
441	Caldera, Inc. press release titled "Embedded Linux Moved To Top Priority At Lineo, Inc., Formerly Known As Caldera Thin Clients, Inc.", dated July 20, 1999
442	Caldera, Inc. press release titled "Caldera Open Linux Product To Obtain Posix And Fips Certifications, And The X/Open Brand For Unix 95 And Xpg4 Base 95", dated May 23, 1996
443	Excerpts from book by Stefan Probst and Ralf Flaxa titled, <u>Power Linux</u> , 1997
444	Amendment No. 2 to the Asset Purchase Agreement between Novell, Inc. and The Santa Cruz Operation, Inc., dated October 16, 1996
445	Caldera, Inc. press release titled "Caldera AE Announces New Caldera OpenLinux", dated October 9, 1996
446	Web page titled "Testing requirements by Product Standard", available at http://www.opengroup.org/openbrand/testing/prodstds.htm
447	Article by Jerry Rosa, titled "Billed As The Swiss Army Knife Of Operating Systems – Caldera touts Linux OS," from <u>Computer Reseller News</u> , dated September 1, 1997
448	Internet posting by David Grothe regarding Streams LiS Announcement, Linux Kernel Mailing List, dated January 30, 1997, available at http://www.ussg.iu.edu/hypermail/linux/kernel/9701.3/0585
449	Caldera Systems, Inc. Whitepaper, titled "Linux Standard Base", dated November 1, 1999, available at http://linux.ittoolbox.com/pub/MM022702d.pdf#search=caldera%20whitepaper%20linux%20standard%20ransom
450	Article titled "Project Proposal and Call for Participation: The Linux Standard Base (LSB) project", from <u>Linux Weekly News</u> , dated May 28, 1998
451	U.S. Patent No. 5,881,270
452	Web page titled "Unix-on-Intel players work on a common binary format", available at http://www.educ.umu.se/~bjorn/mhonar-files/debian-announce

Exhibit Number	Description of Document
453	Web page titled "86Open Frequently-Asked Questions", dated December 23, 1997, available at http://www.telly.org/86Open-faq .
454	Web page titled "86Open Project Final Update", dated July 25, 1999, available at http://www.telly.org/86Open/
455	Email from Ron Record to Mike Davidson, Dion Johnson and Greg Schwarzer, regarding "86Open and lxr", dated March 4, 1998 and bearing Bates number SCO1820604 (Under Seal)
456	Article by Wayne Spivak, titled "What a difference a year makes for Linux," from <u>Network World</u> , dated October 26, 1998
457	Article titled "StoreBusters Inc. to Deliver Next-Generation Online Selling System Using Caldera Systems' OpenLinux E-business Platform", dated August 11, 2000 and bearing Bates numbers SCO1244467-68 (Under Seal)
458	Document titled "Caldera OpenLinux Server elevates Linux to business by providing a stable, secure, easy to install and manage Linux server platform for business quality Internet applications", bearing Bates numbers SCO1244469-72 (Under Seal)
459	Document titled "Caldera- Town Hall Meeting- February 09, 2001", bearing Bates numbers SCO1278897-935 (Under Seal)
460	Web page titled "About: From Free Standards Group", available at http://www.freestandards.org/en/About
461	Caldera, Inc. whitepaper titled "Our Social Contract with the Open Source Community"
462	Caldera, Inc. press release titled "Caldera Launches OpenLearning - Linux Education Programs and Courseware; Training Includes New OpenLinux Solutions Series and LPI Certification Courses", dated July 31, 2000
463	Email from Blake Stowell to globalpr@list.sco.com and teamjeff@sco.com , regarding "Media & Analyst Update from SCO: Statement and Memo regarding copyright claims", dated July 14, 2005 and bearing Bates numbers SCO1777092-99 (Under Seal)

Exhibit Number	Description of Document
464	Santa Cruz press release titled "SCO Invests in LinuxMall.com", dated October 14, 1999.
465	Web page titled "Caldera Skunkware: Open Source Software", available at http://www.sco.com/skunkware/html/cdrom/index_cd.html
466	Strategic Business Agreement between IBM and Caldera Systems, Inc., dated June 16, 1999 and bearing Bates numbers 1710023483-90 (Under Seal)
467	Document titled "Statement of Work 4900RL0132" between IBM and Caldera Systems, Inc., dated April 17, 2000 and bearing Bates numbers 1710023509-17 (Under Seal)
468	Document titled, "Caldera OpenLinux Presentation", bearing Bates numbers SCO1425831-93 (Under Seal)
469	Article by David Orenstein titled, "Caldera's in the money", from <u>Computerworld</u> , dated January 11, 2000
470	Transcript of speech given by Ransom Love at LinuxWorld 2000
471	Document titled, "The Caldera Connection", dated October 2000 and bearing Bates numbers SCO1385591-94 (Under Seal)
472	Email from Ransom Love to Jeff Hunsaker, regarding "Rite Aid Corporation", dated October 25, 2001 and bearing Bates numbers SCO1325085-89 (Under Seal)
473	Document by Andrew Bowles, titled "Transition Document", dated May 9, 2003 and bearing Bates numbers SCO1327183-88 (Under Seal)
474	UnitedLinux Joint Development Contract by and among Caldera International, Inc., Conectiva, Inc., SuSE Linux AG, Turbolinux, Inc. and UnitedLinux, LLC, dated May 29, 2002 and bearing Bates numbers SCO1170519-74 (Under Seal)
475	Document titled "SCO Linux 4.0- Powered by UnitedLinux", bearing Bates numbers SCO1331818-19 (Under Seal)
476	Document titled "The New SCO- Solutions, Customers, Partners, SCO Programs", bearing Bates numbers SCO1328808-11 (Under Seal)

Exhibit Number	Description of Document
477	Novell press release titled, "Novell Challenges SCO Position, Reiterates Support for Linux", dated May 28, 2003
478	Article by Patrick Thibodeau, titled "SCO Official Defends Linux Attack", from <u>Computerworld</u> , dated June 2, 2003
479	Article by David Becker, titled "SCO CEO: Why We're Suing IBM", from CNETnews.com, dated June 16, 2003
480	Article by Otis Port, titled "Commentary: Will This Feud Choke the Life Out of Linux?", from <u>BusinessWeek</u> , dated July 7, 2003
481	Scheduling Order Stipulation, dated December 7, 2005
482	Common API Materials Cross-License Agreement between Hewlett-Packard Company, Sun Microsystems, Inc., Novell, Inc. and IBM, dated January 26, 1994 and bearing Bates numbers 1710084662-81 (Under Seal)
483	Web page titled "History and Timeline", available at http://www.unix.org/what_is_unix/history_timeline.html
484	Article by Michael Tilson, titled "Towards a UNIX Standard", from <u>USENIX Conference Proceedings</u>
485	Settlement Agreement between UNIX System Laboratories, Inc. and Sequent, dated November 25, 1992 and bearing Bates numbers 171077842-46
486	Exhibit 3(a) from the May 11, 2004 Deposition of Erik Hughes (Under Seal)
487	Excerpt from book by Peter H. Salus, titled <u>A Quarter Century of UNIX</u> , published in 1994
488	<u>Unix Sys. Labs., Inc. v. Berkeley Software Design, Inc.</u> , No. 92-1667, 1993 WL 414724 (D.N.J. Mar. 3, 1993)
489	U.S. Patent No. 6,141,005
490	U.S. Patent No. 6,259,448
491	Excerpt from book by John Lions, titled <u>Lions' Commentary on UNIX 6th Edition</u>

Exhibit Number	Description of Document
492	Software Agreement (Agreement No. SOFT-00015) between AT&T Technologies, Inc. and IBM, dated February 1, 1985
493	U.S. Patent No. 6,111,572
494	U.S. Patent No. 5,202,971
495	U.S. Patent No. 5,175,852
496	U.S. Patent No. 5,421,011
497	U.S. Patent No. 5,428,771
498	U.S. Patent No. 5,442,758
499	U.S. Patent No. 5,185,861
500	U.S. Patent No. 6,038,677
501	U.S. Patent No. 6,279,034
502	Amendment No. 1 to the Asset Purchase Agreement between Novell, Inc. and The Santa Cruz Operation, Inc., dated December 6, 1995
503	U.S. Patent No. 6,275,810
504	U.S. Patent No. 5,872,958
505	Set of Invoices from SCO Operations, Inc. bearing Bates numbers SCO1187631-789 (Under Seal)
506	Email from Ralf Flaxa to Andy Nagle regarding "OpenLinux Product Team meeting AGENDA", dated March 22, 2002 and bearing Bates number SCO1412325 (Under Seal)
507	Transcript of the November 15, 2005 Deposition of Timothy J. R. Wright (Under Seal)
508	IBM Technical Disclosure Bulletin by V. A. Albaugh, titled "Combined Event Performance Trace for AIX", dated March 1990
509	U.S. Patent No. 4,742,447

Exhibit Number	Description of Document
510	U.S. Patent No. 4,742,450
511	U.S. Patent No. 4,918,653
512	U.S. Patent No. 5,032,979
513	Transcript of December 10, 1992 Deposition of Otis L. Wilson in the matter of <u>UNIX System Laboratories, Inc. v. Berkeley Software Design, Inc.</u> , Civil Action No. 92-1667 (D.N.J.)
514	UNIX System Laboratories Reply Memorandum of Law in Further Support of its Motion for a Preliminary Injunction, submitted in the matter of <u>UNIX System Laboratories, Inc. v. Berkeley Software Design, Inc.</u> , Civil Action No. 92-1667 (D.N.J.) and dated January 18, 1993 (Under Seal)
515	U.S. Patent No. 5,875,306
516	U.S. Patent No. 6,581,104
517	U.S. Patent No. 5,754,763
518	U.S. Patent No. 5,584,023
519	U.S. Patent No. 4,809,168
520	U.S. Patent No. 6,662,205
521	U.S. Patent No. 5,819,251
522	U.S. Patent No. 5,608,893
523	U.S. Patent No. 5,727,209
524	U.S. Patent No. 6,219,690
525	U.S. Patent No. 5,133,053
526	U.S. Patent No. 4,761,737
527	U.S. Patent No. 5,142,622
528	U.S. Patent No. 5,261,053

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529	U.S. Patent No. 5,655,122
530	U.S. Patent No. 5,745,763
531	U.S. Patent No. 5,802,578
532	Article by Paul E. McKenney, et. al., titled "Read-Copy Update"
533	Article by Paul E. McKenney and Jack Slingwine, titled "Efficient Kernel Memory Allocation on Shared-Memory Multiprocessors", from <u>USENIX</u> dated January 25-29, 1993
534	Article by L. K. Loucks and C. H. Sauer titled, "Advanced Interactive Executive (AIX) operating system overview", from <u>IBM SYSTEMS JOURNAL</u> , Vol. 26, No. 4 (1987)
535	Article by F. C. H. Waters, R. G. Bias and P. L. Smith-Kerker, titled "AIX usability enhancements and human factors", from <u>IBM SYSTEMS JOURNAL</u> , Vol. 26, No. 4 (1987)
536	Article by A. Chang, M. F. Mergen, R. K. Rader, J. A. Roberts and S. L. Porter, titled "Evolution of storage facilities in AIX Version 3 for RISC System/6000 processors", from <u>IBM Journal of Research Development</u> , Vol. 34, No. 1 (January 1990)
537	Article by Charles H. Sauer, Don W. Johnson, Larry K. Loucks, Amal A. Shaheen-Gouda and Todd A. Smith, titled "RT PC Distributed Services Overview"
538	Article by Jacques Talbot, titled "Turning the AIX Operating System into an MP-capable OS", from <u>USENIX 1995</u>
539	Document by Houlihan Valuation Advisors, titled "Intangible Asset Valuation: Caldera International, Inc. As of October 31, 2001", bearing Bates numbers SCO1633819-74 (Under Seal)
540	Excerpts from book titled <u>DYNIX/ptx STREAMS Application Programming Guide</u> , published by Sequent in 1989

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541	Article by R. R. Heisch, titled "Trace-directed program restructuring for AIX executables", from <u>IBM Journal of Research Development</u> , Vol. 38, No. 5 (September 1994)
542	IBM Technical Disclosure Bulletin by D. H. Steves and K. C. Witte, titled "Auditing Objects by Name in AIX", dated January 1992
543	IBM Technical Disclosure Bulletin by K. A. Bohrer and J. S. Peek, titled "Uniqueness of the AIX Storage Management Design", dated September 1992
544	IBM Technical Disclosure Bulletin by S. T. Pan and G. Y. Tsao, titled "Transmission Control Protocol/Internet Protocol Checksum Improvement for AIX 3.2 under RISC System/6000", dated February 1994
545	IBM Technical Disclosure Bulletin by D. W. Sheffield, titled "Avoid Remapping of Data Buffers in AIX Device Drivers", dated February 1994
546	IBM Technical Disclosure Bulletin by N. A. Camillone, D. H. Steves and K. C. Witte, titled "Reliable, Extensible Audit Trail Storage in AIX", dated December 1991
547	IBM Technical Disclosure Bulletin by W. E. Baker and J. S. Peek, titled "Support for Execution of Programs with Large Data Requirements on AIX 3.2", dated August 1992
548	IBM Technical Disclosure Bulletin by K. A. Bohrer and W. J. Cheney, titled "Method to Provide Changes to the AIX Operating System Kernel for Multi-process Debugging", dated July 1990
549	IBM Technical Disclosure Bulletin by J. S. Langford, D. H. Steves and K. C. Witte, titled "Trusted Path Mechanism in AIX", dated January 1992
550	Web page titled "Read-Copy Update Mutual-Exclusion in Linux", available at http://lse.sourceforge.net/locking/rcu/rcupdate_doc.html
551	Article by M. A. Auslander, titled "Managing programs and libraries in AIX Version 3 for RISC System/6000 processors", from <u>IBM Journal of Research Development</u> , Vol. 34 No. 1 (January 1990)
552	Article by Paul McKenney, titled "Using RCU in the Linux 2.5 Kernel", from <u>Linux Journal</u> , dated October 1, 2003

Exhibit Number	Description of Document
553	Article by Paul E. McKenney and Dipankar Sarma, titled "Making RCU Save for Deep Sub-Millisecond Response Realtime Applications"
554	Article by Hanna Linder, Dipankar Sarma and Maneesh Soni, titled "Scalability of the Directory Entry Cache"
555	Article by Bob Beck, Bob Kasten and Shreekant Thakkar, titled "VLSI Assist for a Multiprocessor", dated 1987
556	Article by J. Inman titled "Implementing Loosely Coupled Functions on Tightly Coupled Engines", dated 1985
557	IBM Announcement Letter Number 286-399, titled "IBM RT Personal Computer TM Advanced Interactive Executive TM Operating System Version 2.1", dated September 18, 1986
558	Excerpts from book titled <u>DYNIX/ptx Reference Manual Section 3</u> , published by Sequent in 1989
559	Excerpts from book titled <u>HP-UX Reference Release 10.0, Volume 3 (of 4)</u> , published by Hewlett-Packard Co. in 1983
560	Excerpts from book titled <u>AIX Operating System: Programming Tools and Interfaces</u> , published by IBM in 1989
561	Excerpts from book titled <u>Solaris Porting Guide, Second Edition</u> , published by Sun Microsystems, Inc. in 1995
562	Excerpts from book titled <u>Solaris Multithreaded Programming Guide</u> , published by Sun Microsystems, Inc. in 1995
563	Excerpts from book by Rudy Chukran, titled <u>Accelerating AIX: Performance Tuning for Programmers and System Administrators</u> , published by IBM in 1998
564	Excerpts from book by David A. Kelly, titled <u>AIX/6000: Internals and Architecture</u> , published by IBM in 1996
565	Excerpts from book by Robert F. Sauers and Peter S. Weygant, titled <u>HP-UX: Tuning and Performance, Concepts, Tools & Methods</u> , published by Hewlett-Packard Co. in 2000

Exhibit Number	Description of Document
566	Document titled, "Caldera OpenLinux System Information, OpenLinux Version 1.0", bearing Bates numbers SCO1425831-893 (Under Seal)
567	Excerpts from book by Phil Colledge, titled <u>The Advanced Programmer's Guide to AIX 3.x</u> , published by IBM in 1994
568	Excerpts from book by John R. Graham, titled <u>Solaris: Internals & Architecture</u> , published in 1995
569	Letter from J. M. Baccash to Ramesh Subramanian, dated November 30, 1993 (Under Seal)
570	Excerpts from book titled <u>Guide to Parallel Programming, on Sequent Computer Systems, Second Edition</u> , published by Sequent in 1987
571	Excerpts from book titled <u>Solaris Multithreaded Programming Guide</u> , published by Sun Microsystems, Inc. in 1995
572	Master Transaction Agreement among Caldera International, Inc., Conectiva Inc, SuSE Linux AG and Turbolinux, dated May 29, 2002 and bearing Bates numbers SCO1170635-648 (Under Seal)
573	Document titled, "Caldera: Unifying Unix With Linux for Business", bearing Bates numbers SCO1304371-95 (Under Seal)
574	Email from Randy Richards to Erik Hughes, Craig Bushman, Jeff Hunsaker and Shaun Cutler, regarding "Linux licensing questions - from a partner?", dated July 22, 2003 and bearing Bates numbers SCO1464772-73 (Under Seal)
575	Document titled "SCO Intellectual Property License for Linux", bearing Bates numbers SCO1269360-63 (Under Seal)
576	Dennis M. Kennedy, <u>A Primer on Open Source Licensing Legal Issues: Copyright, Copyleft, and Copyfuture</u> , 20 St. Louis U. Pub. L. Rev. 345, 360 (2001)
577	Email from Erik Hughes to Paul Hurford regarding "Access to a linux box?", dated August 16, 2005 and bearing Bates number SCO1663707-08 (Under Seal)


Exhibit Number	Description of Document
578	Intellectual Property License Provider Agreement between SCO and The PCMS Group, bearing Bates numbers SCO1528883-87 (Under Seal)
579	Jason B. Wacha, <u>Open Source, Free Software and the General Public License</u> , 20 No. 3 Computer & Internet Law 20, 22 (2003)
580	Letter from Ronald A. Lauderdale to Darl McBride, dated April 2, 2003 (Under Seal)
581	Letter from Darl McBride to Ronald A. Lauderdale, dated April 24, 2003 (Under Seal)
582	Amendment to Software Agreement SOFT-00015 as amended, Sublicensing Agreement SUB-0015A as amended, Software Agreement SOFT-0015 Supplement No. 157 as amended, and Substitution Agreement XFER-0015B, between IBM and Novell, Inc., dated April 26, 1996 and bearing Bates numbers 1710015672-75 (Under Seal)
583	Letter from Scott D. Lester to Novell, Inc., dated May 1, 1996 (Under Seal)
584	Transcript of January 11, 2005 Deposition of Stephen D. Vuksanovich (Under Seal)
585	Transcript of January 19, 2006 Deposition of Steven M. Sabbath Deposition (Under Seal)
586	Declaration of Dan Frye, dated September 22, 2006
587	Declaration of Randall Davis, dated March 29, 2006
588	Declaration of Randall Davis, dated April 28, 2006
589	Expert Report and Declaration of J. R. Kearl, dated May 19, 2006 (Under Seal)
590	Rebuttal Expert Report and Declaration of J. R. Kearl, dated July 17, 2006 (Under Seal)
591	Reply Expert Report and Declaration of J. R. Kearl, dated August 28, 2006 (Under Seal)

Exhibit Number	Description of Document
592	SCO press release titled "SCO Files Lawsuit Against IBM", dated March 7, 2003
593	IBM press release titled "IBM Breaks Barriers Between Linux and UNIX with AIX 5L", dated April 23, 2001 and bearing Bates numbers SCO1584167-68
594	Caldera Systems, Inc. press release titled "SCO and Caldera Release Technology Preview of AIX 5L-64 Bit UNIX OS for Intel Itanium Processors", dated April 23, 2001 and bearing Bates numbers SCO1395324-26 (Under Seal)
595	The Santa Cruz Operation, Inc. and Caldera Systems, Inc. press release titled "SCO and Caldera Release Technology Preview of AIX 5L-64 Bit UNIX OS for Intel Itanium Processors", dated April 23, 2001 and bearing Bates numbers SCO1584169-70
596	Declaration of Paul McKenney, dated September 24, 2006
597	Declaration of Joseph Beyers, dated September 22, 2006

4. I declare under penalty of perjury that the foregoing is true and correct.

Executed: October 4, 2006.

Salt Lake City, Utah


 Todd M. Shaughnessy

CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of October, 2006, a true and correct copy of the foregoing was served by hand delivery, to the following:

Brent O. Hatch
Mark F. James
HATCH, JAMES & DODGE, P.C.
10 West Broadway, Suite 400
Salt Lake City, Utah 84101



Amy F. Sorenson